S.B.Cr.Misc. Bail App. No.6107/2007

(Maye Ram Vs. State of Rajasthan)

Date of order : December 13, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.D.L.Mothsara, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned as well as the challan papers.

It is contended by the learned counsel for the petitioner that co-accused Mange Ram has been granted bail by this Court vide order dt. 11.12.2007 and the case of the petitioner is not distinguishable from that of co-accused.

The allegation of kidnapping the prosecutrix and subsequently subjecting her to forcible sexual intercourse having committed rape on her is against co-accused Ajay. In whole of the statement of the prosecutrix, the petitioner has not been named.

Having regard to the facts and circumstances of the case and the fact that similarly situated co-accused has been granted

bail, taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Maye Ram s/o Arjun Ram be released on bail in FIR No.316/2007, P.S. Bhadra provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-